

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

AUTO-OWNERS INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.) Case No. 3:09-CV-288
)
JASON T. LAYMAN and Wife,)
BRANDI M. LAYMAN,)
THE HARTFORD, BETTY J. GRAVES)
and Husband, ROBERT CARSON GRAVES,)
DEERE & COMPANY,)
CURTIS INDUSTRIES, LLC,)
CURTIS TRACTOR CAB, INC.,)
aka FRED III INDUSTRIES BUSINESS)
TRUST, and BURCH WOOD d/b/a)
NEWPORT TIRE AND SERVICE CENTER,)
)
Defendants.)

**AGREED ORDER OF JUDGMENT AS TO DEFENDANTS JASON T. LAYMAN,
BRANDI M. LAYMAN, THE HARTFORD, BETTY J. GRAVES, ROBERT CARSON
GRAVES, DEERE & COMPANY, CURTIS INDUSTRIES, LLC AND CURTIS
TRACTOR CAB, INC. A/K/A FRED III INDUSTRIES BUSINESS TRUST**

On September 29, 2009, the Court entered judgment in favor of Plaintiff Auto-Owners Insurance Company (“Auto-Owners”) and against Defendant Burch Wood d/b/a Newport Tire and Service Center (“Burch Wood”). In its September 29, 2009 Order, the Court made findings of fact and conclusions of law and declared that Auto-Owners has no duty to defend or indemnify Burch Wood in the lawsuit filed against him in the Circuit Court for Jefferson County that is styled *Jason T. Layman and Wife, Brandi M. Layman, Plaintiffs, and The Hartford, Intervening Plaintiff, v. Betty J. Graves and Husband Robert Carson Graves, Deere & Company, Curtis Industries, LLC, Curtis Tractor Cab, Inc., a/k/a Fred III Industries Business Trust, and*

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Burch Wood d/b/a Newport Tire & Service Center, Jefferson County Circuit Court, No. 21, 679-II (“the Action”).

Jason T. Layman, Brandi M. Layman, The Hartford, Betty J. Graves, Robert Carson Graves, Deere & Company, Curtis Industries, LLC, and Curtis Tractor Cab, Inc. a/k/a Fred III Industries Business Trust (“the Remaining Defendants”), after reviewing the Court’s September 29, 2009 Order, the Amended Complaint filed in the Action, and the insurance policies at issue in this case, have reached the same conclusion that the policies of insurance issued by Auto-Owners to Burch Wood do not provide insurance coverage to Burch Wood for the claims made against him in the Action. The Remaining Defendants further agree that Auto-Owners has no duty to defend or indemnify Burch Wood in the Action. The Remaining Defendants, after consulting with Auto-Owners, have reached agreement that this case should be resolved as to the Remaining Defendants. Therefore, for good cause shown and upon the announcement of Auto-Owners and the Remaining Defendants that they have reached agreement regarding the remaining claims in this case, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Court adopts the findings of fact and conclusions of law made in its September 29, 2009 Order, and those findings of fact and conclusions of law apply to the Remaining Defendants.

2. The Court adopts the declarations made in the September 29, 2009 Order, specifically that Auto-Owners has no duty to either defend or indemnify Burch Wood in the action of *Jason T. Layman and Wife, Brandi M. Layman, Plaintiffs, and The Hartford, Intervening Plaintiff, v. Betty J. Graves and Husband Robert Carson Graves, Deere & Company, Curtis Industries, LLC, Curtis Tractor Cab, Inc., a/k/a Fred III Industries Business Trust, and Burch Wood d/b/a Newport Tire & Service Center*, Jefferson County Circuit Court, No. 21, 679-

II, pursuant to the policies of insurance issued by Auto-Owners to Burch Wood. The Court's declarations in its September 29, 2009 Order apply to the Remaining Defendants.

3. Judgment is GRANTED in favor of Auto-Owners and against Jason T. Layman, Brandi M. Layman, The Hartford, Betty J. Graves, Robert Carson Graves, Deere & Company, Curtis Industries, LLC, and Curtis Tractor Cab, Inc. a/k/a Fred III Industries Business Trust.

4. This judgment is a final judgment as to Jason T. Layman, Brandi M. Layman, The Hartford, Betty J. Graves, Robert Carson Graves, Deere & Company, Curtis Industries, LLC, and Curtis Tractor Cab, Inc. a/k/a Fred III Industries Business Trust.

5. No costs shall be taxed.

Enter: Dec 15, 2009

Thomas W. Phillips
Hon. Thomas W. Phillips
United States District Judge

Approved for entry:

s/Dean T. Howell

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Via U.S. Mail to:

Burch Wood d/b/a Newport Tire and Service Center
c/o Jason S. Randolph, Esq.
Post Office Box 828
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s/ Dean T. Howell, Esq.
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